

LEFF FLOOR AMENDMENT

SENATE AMENDMENTS TO S.B. 1078

(Reference to printed bill)

Page 8, line 12, strike "PERSON" insert "CONTACT AS DEFINED IN SECTION 36-661"

Line 13, strike "BE AT SUBSTANTIAL RISK BECAUSE OF THAT PERSON'S CONTACT" insert
"HAVE HAD SIGNIFICANT EXPOSURE RISK AS DEFINED IN SECTION 36-661"

Line 14, after "DISEASE" insert "AS DEFINED IN SECTION 36-661"

Between lines 18 and 19, insert:

"Sec. 2. Section 32-1501, Arizona Revised Statutes, is amended to
read:

32-1501. Definitions

In this chapter, unless the context otherwise requires:

1. "Accepted therapeutic purpose" means treatment of a disease,
injury, ailment or infirmity that is competent and generally recognized as
safe and effective.

2. "Active license" means a current valid license to practice
naturopathic medicine.

3. "Adequate medical records" means medical records containing
sufficient information to identify the patient, the diagnosis and the
treatment prescribed.

4. "Approved clinical training program" or "clinical training program"
means a program for naturopathic medical students in which the training
occurred or is being conducted by or in conjunction with an approved school
of naturopathic medicine.

5. "Approved internship program" or "internship" means that the
program in which the training occurred or is being conducted has been
approved for internship training for physicians or for graduates of a school
of naturopathic medicine by the board or was approved or accredited by an
educational or professional association recognized by the board or by another
state's or country's licensing agency recognized by the board.

6. "Approved postdoctoral training" or "postdoctoral training" means
that the program in which the training occurred or is being conducted has

1 been approved for specialty training or for graduate medical education in
2 naturopathic medicine by the board or approved or accredited by an
3 educational or professional association recognized by the board or by another
4 state's or country's licensing agency recognized by the board.

5 7. "Approved preceptorship program" or "preceptorship" means that the
6 program in which the training occurred or is being conducted has been
7 approved for preceptorship training for physicians or for graduates of a
8 school of naturopathic medicine by the board or was approved or accredited by
9 an educational or professional association recognized by the board or by
10 another state's or country's licensing agency recognized by the board.

11 8. "Approved school of naturopathic medicine" or "school of
12 naturopathic medicine" means a school or college determined by the board to
13 have an educational program that meets standards prescribed by the council on
14 naturopathic medical education, or its successor agency, and that offers a
15 course of study that, on successful completion, results in the awarding of
16 the degree of doctor of naturopathic medicine and whose course of study is
17 either of the following:

18 (a) Accredited or a candidate for accreditation by an accrediting
19 agency recognized by the United States secretary of education as a
20 specialized accrediting agency for schools of naturopathic medicine or its
21 successor.

22 (b) Accredited or a candidate for accreditation by an accrediting
23 agency recognized by the council for higher education accreditation or its
24 successor.

25 9. "Board" means the naturopathic physicians board of medical
26 examiners.

27 10. "Chelation therapy" means an experimental medical therapy to
28 restore cellular homeostasis through the use of intravenous, metal-binding
29 and bioinorganic agents such as ethylene diamine tetraacetic acid. Chelation
30 therapy does not include experimental therapy used to treat heavy metal
31 poisoning.

1 11. "Completed application" means that the applicant paid the required
2 fees and supplied all documents and information as requested by the board and
3 in a manner acceptable to the board.

4 12. "Controlled substance" means a drug, substance or immediate
5 precursor in schedules I through V of title 36, chapter 27, article 2.

6 13. "Direct supervision" means that a physician who is licensed
7 pursuant to this chapter or chapter 13, 17 or 29 of this title:

8 (a) Is physically present and within sight or sound of the person
9 supervised and is available for consultation regarding procedures that the
10 physician has authorized and for which the physician remains responsible.

11 (b) Has designated a person licensed pursuant to this chapter or
12 chapter 13, 17 or 29 of this title to provide direct supervision in the
13 physician's absence.

14 14. "Doctor of naturopathic medicine" or "doctor" means a natural
15 person licensed to practice naturopathic medicine under this chapter.

16 15. "Drug" has the same meaning prescribed in section 32-1901 but does
17 not include:

18 (a) Intravenous administration of legend drugs, except for:

19 (i) Vitamins, chelation therapy and drugs used in emergency
20 resuscitation and stabilization.

21 (ii) Minerals.

22 (b) Controlled substances listed as schedule I or II controlled
23 substances as defined in the federal controlled substances act of 1970 (21
24 United States Code section 802), except morphine and any homeopathic
25 preparations that are also controlled substances.

26 (c) Cancer chemotherapeutics classified as legend drugs.

27 (d) Antipsychotics.

28 16. "General supervision" means that the physician is available for
29 consultation regarding procedures that the physician has authorized and for
30 which the physician remains responsible.

1 17. "Legend drug" means any drug defined by section 503(b) of the
2 federal food, drug and cosmetic act and under which definition its label is
3 required to bear the statement "Rx only".

4 18. "Letter of concern" means a nondisciplinary advisory letter that is
5 issued by the board to a person who is regulated under this chapter and that
6 states that while there is insufficient evidence to support disciplinary
7 action the board believes that the person should modify or eliminate certain
8 practices and that continuation of the activities that led to the information
9 being submitted to the board may result in action against the person's
10 license, certificate or registration.

11 19. "Letter of reprimand" means a disciplinary letter that is issued by
12 the board and that informs a person who is regulated under this chapter that
13 the person's conduct violates state or federal law but does not require the
14 board to restrict the person's license, certificate or registration because
15 the person's conduct did not result in harm to a patient or to the public.

16 20. "Limit" means taking a nondisciplinary action that alters the
17 physician's practice or professional activities if the board determines that
18 there is evidence that the physician is or may be mentally or physically
19 unable to safely engage in the practice of medicine.

20 21. "Medical assistant" or "naturopathic medical assistant" means a
21 person who is certified by the board as a medical assistant, who assists a
22 doctor of naturopathic medicine and who may perform delegated procedures that
23 are commensurate with the assistant's education and training under the direct
24 supervision of a doctor of naturopathic medicine and that do not include
25 diagnosing, designing or modifying established treatment programs or those
26 procedures prohibited by the board or by this chapter.

27 22. "Medically incompetent" means a person who is licensed, certified
28 or registered pursuant to this chapter and who lacks sufficient naturopathic
29 medical knowledge or skills, or both, to a degree that is likely to endanger
30 the health of patients.

31 23. "Naturopathic medical student" means a person who is enrolled in a
32 course of study at an approved school of naturopathic medicine.

1 24. "Naturopathic medicine" means medicine as taught in approved
2 schools of naturopathic medicine and in clinical, internship, preceptorship
3 and postdoctoral training programs approved by the board and practiced by a
4 recipient of a degree of doctor of naturopathic medicine licensed pursuant to
5 this chapter.

6 25. "Nurse" means a person licensed pursuant to chapter 15 of this
7 title.

8 26. "Physician" means a doctor of naturopathic medicine licensed
9 pursuant to this chapter.

10 27. "Practice of naturopathic medicine" means a medical system of
11 diagnosing and treating diseases, injuries, ailments, infirmities and other
12 conditions of the human mind and body including by natural means, drugless
13 methods, drugs, nonsurgical methods, devices, physical, electrical, hygienic
14 and sanitary measures and all forms of physical agents and modalities.

15 28. "Restrict" means taking a disciplinary action that alters the
16 physician's practice or professional activities if the board determines that
17 there is evidence that the physician is or may be medically incompetent or
18 guilty of unprofessional conduct.

19 29. "Specialist" means a physician who has successfully completed
20 approved postdoctoral training, who is certified by a specialty board of
21 examiners recognized by the board and who is certified by the board to
22 practice the specialty pursuant to this chapter.

23 30. "Unprofessional conduct" includes the following, whether occurring
24 in this state or elsewhere:

25 (a) Intentionally disclosing a professional secret or intentionally
26 disclosing a privileged communication except as either of these may otherwise
27 be required by law.

28 (b) Any dishonorable conduct reflecting unfavorably on the profession.

29 (c) Committing a felony, whether or not involving moral turpitude, or
30 a misdemeanor involving moral turpitude. In either case conviction by any
31 court of competent jurisdiction or a plea of no contest is conclusive
32 evidence of the commission of the felony or misdemeanor.

1 (d) Habitual intemperance in the use of alcohol or any substance
2 abuse.

3 (e) The illegal use of any narcotic or hypnotic drugs, or illegal
4 substances.

5 (f) Conduct that the board determines is gross malpractice, repeated
6 malpractice or any malpractice resulting in the death of a patient.

7 (g) Impersonating another doctor of naturopathic medicine or any other
8 practitioner of the healing arts.

9 (h) Falsely acting or assuming to act as a member, an employee or an
10 authorized agent of the board.

11 (i) Procuring or attempting to procure a license or a certificate
12 pursuant to this chapter by fraud, by misrepresentation or by knowingly
13 taking advantage of the mistake of another person or agency.

14 (j) Having professional connection with or lending one's name to
15 enhance or continue the activities of an illegal physician or an illegal
16 practitioner of any healing art.

17 (k) Representing that a manifestly incurable disease, injury, ailment
18 or infirmity can be permanently cured, or falsely or fraudulently
19 representing that a curable disease, injury, ailment or infirmity can be
20 cured within a stated time.

21 (l) Offering, undertaking or agreeing to cure or treat a disease,
22 injury, ailment or infirmity by a secret means, method, treatment, medicine,
23 substance, device or instrumentality.

24 (m) Refusing to divulge to the board on demand the means, method,
25 treatment, medicine, substance, device or instrumentality used in the
26 treatment of a disease, injury, ailment or infirmity.

27 (n) Giving or receiving, or aiding or abetting the giving or receiving
28 of, rebates, either directly or indirectly.

29 (o) Knowingly making any false or fraudulent statement, written or
30 oral, in connection with the practice of naturopathic medicine or any
31 naturopathic treatment method.

1 (p) Immorality or misconduct that tends to discredit the naturopathic
2 profession.

3 (q) Refusal, revocation or suspension of a license by any other state,
4 district or territory of the United States or any other country, unless it
5 can be shown that this action was not due to reasons that relate to the
6 ability to safely and skillfully practice as a doctor of naturopathic
7 medicine or to any act of unprofessional conduct in this paragraph.

8 (r) Any conduct or practice that is contrary to recognized standards
9 of ethics of the naturopathic profession, any conduct or practice that does
10 or might constitute a danger to the health, welfare or safety of the patient
11 or the public, or any conduct, practice or condition that does or might
12 impair the ability to safely and skillfully practice as a doctor of
13 naturopathic medicine.

14 (s) Failure to observe any federal, state, county or municipal law
15 relating to public health as a physician in this state.

16 (t) Violating or attempting to violate, directly or indirectly, or
17 assisting in or abetting the violation of, or conspiring to violate any of
18 the provisions of this chapter or board rules.

19 (u) False, fraudulent, deceptive or misleading advertising or
20 advertising the quality of a medical or health care service by a physician or
21 by the physician's staff, employer or representative.

22 (v) Failing or refusing to maintain adequate medical records on a
23 patient or failing or refusing to make medical records in the physician's
24 possession promptly available to another physician or health care provider
25 who is licensed pursuant to chapter 7, 8, 13, 15, 17 or 29 of this title on
26 request and receipt of proper authorization to do so from the patient, a
27 minor patient's parent, the patient's legal guardian or the patient's
28 authorized representative or failing to comply with title 12, chapter 13,
29 article 7.1.

30 (w) Referring a patient to a diagnostic or treatment facility or
31 prescribing goods and services without disclosing in writing to the patient
32 that the physician has a pecuniary interest in the facility, goods or

1 services to which the patient is referred or prescribed. This subdivision
2 does not apply to a referral by one physician or practitioner to another
3 physician or practitioner within a group of physicians or practitioners
4 practicing together.

5 (x) Sexual intimacies with a patient in the course of direct
6 treatment.

7 (y) Failing to dispense drugs and devices in compliance with article 4
8 of this chapter.

9 (z) Administering, dispensing or prescribing any drug or a device for
10 other than an accepted therapeutic purpose.

11 (aa) Falsely representing or holding oneself out as being a specialist
12 or representation by a doctor of naturopathic medicine or the doctor's staff,
13 employer or representative that the doctor is boarded or board certified if
14 this is not true or that standing is not current.

15 (bb) Delegating professional duties and responsibilities to a person
16 if the person has not been approved or qualified by licensure or by
17 certification to perform these duties or responsibilities.

18 (cc) Failing to appropriately supervise a naturopathic medical
19 student, a nurse, a medical assistant, a health care provider or a technician
20 employed by or assigned to the physician during the performance of delegated
21 professional duties and responsibilities.

22 (dd) Using experimental forms of diagnosis or treatment without
23 adequate informed consent of the patient or the patient's legal guardian and
24 without conforming to experimental criteria including protocols, detailed
25 records, periodic analysis of results and periodic review by a medical peer
26 review committee as approved by the federal food and drug administration or
27 its successor agency.

28 (ee) Failing to furnish information in a timely manner to the board or
29 investigators or representatives of the board if this information is legally
30 requested by the board and failing to allow properly authorized board
31 personnel on demand to examine and have access to documents, reports and

1 records maintained by the physician that relate to the physician's medical
2 practice or medically related activities.

3 (ff) Failing to report in writing to the board evidence that a person
4 licensed, certified or registered pursuant to this chapter is or may be
5 medically incompetent, guilty of unprofessional conduct or mentally or
6 physically unable to safely practice or assist in the practice of
7 naturopathic medicine.

8 (gg) Conducting or engaging in an internship, preceptorship or
9 clinical training program in naturopathic medicine without being approved and
10 registered by the board for that internship, preceptorship or clinical
11 training program.

12 (hh) Signing a blank, undated or predated prescription form.

13 (ii) Conduct that the board determines is gross negligence, repeated
14 negligence or negligence resulting in harm or death to a patient.

15 (jj) Knowingly making a false or misleading statement in oral
16 testimony to the board on a form required by the board or in written
17 correspondence to the board, including attachments to that correspondence.

18 (kk) The failure of a physician who is the chief medical officer, the
19 executive officer or the chief of staff of an internship, a preceptorship or
20 a clinical training program to report in writing to the board that the
21 privileges of a doctor of naturopathic medicine, a naturopathic medical
22 student or a medical assistant have been denied, limited, revoked or
23 suspended because that doctor's, student's or assistant's actions appear to
24 indicate that the person is or may be medically incompetent, is or may be
25 guilty of unprofessional conduct or is or may be unable to safely engage or
26 assist in the practice of naturopathic medicine.

27 (ll) Action taken against a doctor of naturopathic medicine by a
28 licensing or regulatory board in another jurisdiction due to that doctor's
29 mental or physical inability to engage safely in the practice of naturopathic
30 medicine; ~~OR~~ OR the doctor's medical incompetence or for unprofessional conduct
31 as defined by that licensing or regulatory board and that corresponds
32 directly or indirectly to an act of unprofessional conduct prescribed by this

1 paragraph. The action taken may include refusing, denying, revoking or
2 suspending a license, otherwise limiting, restricting or monitoring a
3 licensee or placing a licensee on probation by that licensing or regulatory
4 board.

5 (mm) Sanctions imposed by an agency of the federal government,
6 including restricting, suspending, limiting or removing a person from the
7 practice of naturopathic medicine or restricting that person's ability to
8 obtain financial remuneration.

9 (nn) Violating any formal order, probation, consent agreement or
10 stipulation issued or entered into by the board pursuant to this chapter.

11 (oo) Refusing to submit to a body fluid examination pursuant to a
12 board investigation of alleged substance abuse by a doctor of naturopathic
13 medicine.

14 (pp) Charging a fee for services not rendered or dividing a
15 professional fee for patient referrals among health care providers or health
16 care institutions or between these providers and institutions or a
17 contractual arrangement that has this effect.

18 (qq) Obtaining a fee by fraud, deceit or misrepresentation.

19 (rr) Charging or collecting a clearly excessive fee. In determining
20 if a fee is clearly excessive the board shall consider the fee or range of
21 fees customarily charged in this state for similar services, in light of
22 modifying factors such as the time required, the complexity of the service
23 and the skill required to perform the service properly. This subdivision
24 does not apply if there is a clear written contract for a fixed fee between
25 the physician and the patient that was entered into before the service was
26 provided.

27 (ss) With the exception of heavy metal poisoning, using chelation
28 therapy in the treatment of arteriosclerosis or as any other form of therapy
29 without adequate informed patient consent and without conforming to generally
30 accepted experimental criteria, including protocols, detailed records,
31 periodic analysis of results and periodic review by a medical peer review
32 committee.

1 (tt) Using a controlled substance unless it is prescribed by another
2 physician for use during a prescribed course of treatment.

3 (uu) Prescribing, dispensing or administering anabolic androgenic
4 steroids for other than therapeutic purposes.

5 (vv) Except in an emergency or urgent care situation, prescribing or
6 dispensing a controlled substance to a member of the naturopathic physician's
7 immediate family.

8 (ww) Prescribing, dispensing or furnishing a prescription medication
9 or a prescription-only device as defined in section 32-1901 to a person
10 unless the licensee first conducts a physical examination of that person or
11 has previously established a doctor-patient relationship. This subdivision
12 does not apply to:

13 (i) A licensee who provides temporary patient supervision on behalf of
14 the patient's regular treating licensed health care professional.

15 (ii) An emergency medical situation as defined in section 41-1831.

16 (iii) Prescriptions written to prepare a patient for a medical
17 examination.

18 (iv) Prescriptions written or prescription medications issued for use
19 by a county or tribal public health department for immunization programs or
20 emergency treatment or in response to an infectious disease investigation, a
21 public health emergency, an infectious disease outbreak or an act of
22 bioterrorism. For the purposes of this item, "bioterrorism" has the same
23 meaning prescribed in section 36-781.

24 (v) PRESCRIPTIONS WRITTEN OR ANTIMICROBIALS DISPENSED TO A CONTACT AS
25 DEFINED IN SECTION 36-661 WHO IS BELIEVED TO HAVE HAD SIGNIFICANT EXPOSURE
26 RISK AS DEFINED IN SECTION 36-661 WITH ANOTHER PERSON WHO HAS BEEN DIAGNOSED
27 WITH A COMMUNICABLE DISEASE AS DEFINED IN SECTION 36-661 BY THE PRESCRIBING
28 OR DISPENSING PHYSICIAN."

29 Renumber to conform

30 Page 12, line 12, in both places strike "THAT ARE"

31 Line 13, strike "PERSON" insert "CONTACT AS DEFINED IN SECTION 36-661"; after
32 "TO" strike remainder of line

Page 12, line 14, strike "CONTACT" insert "HAVE HAD SIGNIFICANT EXPOSURE RISK AS
DEFINED IN SECTION 36-661"

Line 15, after "DISEASE" insert "AS DEFINED IN SECTION 36-661"

After line 18, insert:

"Sec. 4. Section 32-2501, Arizona Revised Statutes, is amended to
read:

32-2501. Definitions

In this chapter, unless the context otherwise requires:

1. "Active license" means a regular or temporary license issued
pursuant to this chapter.

2. "Adequate records" means legible medical records containing, at a
minimum, sufficient information to identify the patient, support the
diagnosis, justify the treatment, accurately document the results, indicate
advice and cautionary warnings provided to the patient and provide sufficient
information for another practitioner to assume continuity of the patient's
care at any point in the course of treatment.

3. "Advisory letter" means a nondisciplinary letter to notify a
physician assistant that either:

(a) While there is insufficient evidence to support disciplinary
action, the board believes that continuation of the activities that led to
the investigation may result in further board action against the licensee.

(b) The violation is a minor or technical violation that is not of
sufficient merit to warrant disciplinary action.

(c) While the licensee has demonstrated substantial compliance through
rehabilitation or remediation that has mitigated the need for disciplinary
action, the board believes that repetition of the activities that led to the
investigation may result in further board action against the licensee.

4. "Approved program" means a physician assistant educational program
that has been fully or provisionally accredited by the committee on allied
health education and accreditation or by the commission on the accreditation
for allied health education programs, or successor agencies, on the

1 recommendation of the accreditation review committee on education for
2 physician assistants.

3 5. "Board" means the Arizona regulatory board of physician assistants.

4 6. "Completed application" means an application for which the
5 applicant has supplied all required fees, information and correspondence
6 requested by the board on forms and in a manner acceptable to the board.

7 7. "Immediate family" means the spouse, natural or adopted children,
8 father, mother, brothers and sisters of the physician assistant and the
9 natural or adopted children, father, mother, brothers and sisters of the
10 physician assistant's spouse.

11 8. "Letter of reprimand" means a disciplinary letter that is issued by
12 the board and that informs the physician assistant that the physician
13 assistant's conduct violates state or federal law and may require the board
14 to monitor the physician assistant.

15 9. "Limit" means a nondisciplinary action that is taken by the board
16 and that alters a physician assistant's practice or medical activities if
17 there is evidence that the physician assistant is or may be mentally or
18 physically unable to safely engage in health care tasks.

19 10. "Medically incompetent" means that a physician assistant lacks
20 sufficient medical knowledge or skills, or both, in performing delegated
21 health care tasks to a degree likely to endanger the health or safety of
22 patients.

23 11. "Minor surgery" means those invasive procedures that may be
24 delegated to a physician assistant by a supervising physician, that are
25 consistent with the training and experience of the physician assistant, that
26 are normally taught in courses of training approved by the board and that
27 have been approved by the board as falling within a scope of practice of a
28 physician assistant. Minor surgery does not include a surgical abortion.

29 12. "Notification of supervision" means a written notice that is
30 provided to the board by a supervising physician and that notifies the board
31 that the physician intends to supervise a physician assistant. The physician

1 shall provide this notice on a form prescribed by the board before the
2 physician assistant begins work.

3 13. "Physician" means a physician licensed pursuant to chapter 13 or 17
4 of this title.

5 14. "Physician assistant" means a person who is licensed pursuant to
6 this chapter and who performs health care tasks pursuant to a dependent
7 relationship with a physician.

8 15. "Primary place for meeting patients" includes the supervising
9 physician's office, health care institutions in which the supervising
10 physician's patients are located or homes of patients.

11 16. "Regular license" means a valid and existing license issued
12 pursuant to section 32-2521 to perform health care tasks. Regular license
13 does not include a temporary license.

14 17. "Restrict" means a disciplinary action that is taken by the board
15 and that alters a physician assistant's practice or medical activities if
16 there is evidence that the physician assistant is or may be medically
17 incompetent or guilty of unprofessional conduct.

18 18. "Supervising physician" means a physician who holds a current
19 unrestricted license, provides a notification of supervision, assumes legal
20 responsibility for health care tasks performed by the physician assistant and
21 is approved by the board.

22 19. "Supervising physician's agent" means a physician who holds a
23 current unrestricted license, is a cosignatory on the notification of
24 supervision, agrees to act as the supervising physician in the supervising
25 physician's absence and is approved by the board.

26 20. "Supervision" means a physician's opportunity or ability to provide
27 or exercise control over the services of a physician assistant. Supervision
28 does not require a physician's constant physical presence if the supervising
29 physician or the supervising physician's agent is or can be easily in contact
30 with the physician assistant by radio, telephone or telecommunication.

31 21. "Unprofessional conduct" includes the following acts by a physician
32 assistant that occur in this state or elsewhere:

1 (a) Violation of any federal or state law or rule that applies to the
2 performance of health care tasks as a physician assistant. Conviction in any
3 court of competent jurisdiction is conclusive evidence of a violation.

4 (b) Claiming to be a physician or knowingly permitting another person
5 to represent that person as a physician.

6 (c) Performing health care tasks that have not been delegated by the
7 supervising physician.

8 (d) Habitual intemperance in the use of alcohol or habitual substance
9 abuse.

10 (e) Signing a blank, undated or predated prescription form.

11 (f) Gross malpractice, repeated malpractice or any malpractice
12 resulting in the death of a patient.

13 (g) Representing that a manifestly incurable disease or infirmity can
14 be permanently cured or that a disease, ailment or infirmity can be cured by
15 a secret method, procedure, treatment, medicine or device, if this is not
16 true.

17 (h) Refusing to divulge to the board on demand the means, method,
18 procedure, modality of treatment or medicine used in the treatment of a
19 disease, injury, ailment or infirmity.

20 (i) Prescribing or dispensing controlled substances or
21 prescription-only drugs for which the physician assistant is not approved or
22 in excess of the amount authorized pursuant to this chapter.

23 (j) Any conduct or practice that is or might be harmful or dangerous
24 to the health of a patient or the public.

25 (k) Violation of a formal order, probation or stipulation issued by
26 the board.

27 (l) Failing to clearly disclose the person's identity as a physician
28 assistant in the course of the physician assistant's employment.

29 (m) Failing to use and affix the initials "P.A." or "P.A.-C." after
30 the physician assistant's name or signature on charts, prescriptions or
31 professional correspondence.

1 (n) Procuring or attempting to procure a physician assistant license
2 by fraud, misrepresentation or knowingly taking advantage of the mistake of
3 another.

4 (o) Having professional connection with or lending the physician
5 assistant's name to an illegal practitioner of any of the healing arts.

6 (p) Failing or refusing to maintain adequate records on a patient.

7 (q) Using controlled substances that have not been prescribed by a
8 physician, physician assistant, dentist or nurse practitioner for use during
9 a prescribed course of treatment.

10 (r) Prescribing or dispensing controlled substances to members of the
11 physician assistant's immediate family.

12 (s) Prescribing, dispensing or administering any controlled substance
13 or prescription-only drug for other than accepted therapeutic purposes.

14 (t) Knowingly making any written or oral false or fraudulent statement
15 in connection with the performance of health care tasks or when applying for
16 privileges or renewing an application for privileges at a health care
17 institution.

18 (u) Committing a felony, whether or not involving moral turpitude, or
19 a misdemeanor involving moral turpitude. In either case, conviction by a
20 court of competent jurisdiction or a plea of no contest is conclusive
21 evidence of the commission.

22 (v) Having a certification or license refused, revoked, suspended,
23 limited or restricted by any other licensing jurisdiction for the inability
24 to safely and skillfully perform health care tasks or for unprofessional
25 conduct as defined by that jurisdiction that directly or indirectly
26 corresponds to any act of unprofessional conduct as prescribed by this
27 paragraph.

28 (w) Having sanctions including restriction, suspension or removal from
29 practice imposed by an agency of the federal government.

30 (x) Violating or attempting to violate, directly or indirectly, or
31 assisting in or abetting the violation of or conspiring to violate a
32 provision of this chapter.

1 (y) Using the term "doctor" or the abbreviation "Dr." on a name tag or
2 in a way that leads the public to believe that the physician assistant is
3 licensed to practice as an allopathic or an osteopathic physician in this
4 state.

5 (z) Failing to furnish legally requested information to the board or
6 its investigator in a timely manner.

7 (aa) Failing to allow properly authorized board personnel to examine
8 on demand documents, reports and records of any kind relating to the
9 physician assistant's performance of health care tasks.

10 (bb) Knowingly making a false or misleading statement on a form
11 required by the board or in written correspondence or attachments furnished
12 to the board.

13 (cc) Failing to submit to a body fluid examination and other
14 examinations known to detect the presence of alcohol or other drugs pursuant
15 to an agreement with the board or an order of the board.

16 (dd) Violating a formal order, probation agreement or stipulation
17 issued or entered into by the board or its executive director.

18 (ee) Except as otherwise required by law, intentionally betraying a
19 professional secret or intentionally violating a privileged communication.

20 (ff) Allowing the use of the licensee's name in any way to enhance or
21 permit the continuance of the activities of, or maintaining a professional
22 connection with, an illegal practitioner of medicine or the performance of
23 health care tasks by a person who is not licensed pursuant to this chapter.

24 (gg) False, fraudulent, deceptive or misleading advertising by a
25 physician assistant or the physician assistant's staff or representative.

26 (hh) Knowingly failing to disclose to a patient on a form that is
27 prescribed by the board and that is dated and signed by the patient or
28 guardian acknowledging that the patient or guardian has read and understands
29 that the licensee has a direct financial interest in a separate diagnostic or
30 treatment agency or in nonroutine goods or services that the patient is being
31 prescribed and if the prescribed treatment, goods or services are available
32 on a competitive basis. This subdivision does not apply to a referral by one

1 physician assistant to another physician assistant or to a doctor of medicine
2 or a doctor of osteopathy within a group working together.

3 (ii) Using chelation therapy in the treatment of arteriosclerosis or
4 as any other form of therapy.

5 (jj) Prescribing, dispensing or administering anabolic or androgenic
6 steroids for other than therapeutic purposes.

7 (kk) Prescribing, dispensing or furnishing a prescription medication
8 or a prescription-only device as defined in section 32-1901 to a person
9 unless the licensee first conducts a physical examination of that person or
10 has previously established a professional relationship with the person. This
11 subdivision does not apply to:

12 (i) A physician assistant who provides temporary patient care on
13 behalf of the patient's regular treating licensed health care professional.

14 (ii) Emergency medical situations as defined in section 41-1831.

15 (iii) Prescriptions written to prepare a patient for a medical
16 examination.

17 (iv) PRESCRIPTIONS WRITTEN OR ANTIMICROBIALS DISPENSED TO A CONTACT AS
18 DEFINED IN SECTION 36-661 WHO IS BELIEVED TO HAVE HAD SIGNIFICANT EXPOSURE
19 RISK AS DEFINED IN SECTION 36-661 WITH ANOTHER PERSON WHO HAS BEEN DIAGNOSED
20 WITH A COMMUNICABLE DISEASE AS DEFINED IN SECTION 36-661 BY THE PRESCRIBING
21 OR DISPENSING PHYSICIAN ASSISTANT.

22 (ll) Engaging in sexual conduct with a current patient or with a
23 former patient within six months after the last medical consultation unless
24 the patient was the licensee's spouse at the time of the contact or,
25 immediately preceding the professional relationship, was in a dating or
26 engagement relationship with the licensee. For the purposes of this
27 subdivision, "sexual conduct" includes:

28 (i) Engaging in or soliciting sexual relationships, whether consensual
29 or nonconsensual.

30 (ii) Making sexual advances, requesting sexual favors or engaging in
31 other verbal conduct or physical contact of a sexual nature with a patient.

1 (iii) Intentionally viewing a completely or partially disrobed patient
2 in the course of treatment if the viewing is not related to patient diagnosis
3 or treatment under current practice standards.
4 (mm) Performing health care tasks under a false or assumed name in
5 this state.”
6 Amend title to conform

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